

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Magid Salah Eldin Mohamed

(b) County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

N/A - Plaintiff Pro Se

DEFENDANTS

The University of Texas Southwestern Medical Center

County of Residence of First Listed Defendant Dallas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Mason Currah, P.O. Box 12548, Capitol Station, Austin,
Texas 78711-2548; Phone: (512) 475-4072;

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Family and Medical Leave Act, 29 U.S.C. § 2601 et seq; Title I of the Americans with Disabilities Act, 42 U.S.C. § 112101 et seq.

Brief description of cause:

Plaintiff claims violations of the FMLA, ADA, and brings a state law claim under Chapter 21 21 of the Texas Commission on Human Rights Act, Tex

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/8/2023

/s/ Mason Currah

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Case 3:23-cv-02705-G-BN Document 1 Filed 12/08/23 Page 2 of 50 PageID 52
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is related to this filing if the case: 1) involves some or all of the same parties and is based on the same or similar claim; 2) involves the same property, transaction, or event; 3) involves substantially similar issues of law and fact; and/or 4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.

Supplemental Civil Cover Sheet for Cases Removed From State Court

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
298th Judicial District Court of Dallas County, Texas	DC-23-13235

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party and Party Type</u>	<u>Attorney(s)</u>
Plaintiff Pro Se Magid Salah Eldin Mohamed	4800 West Lovers Lane Apt. 212, Dallas, TX 75209 (718)-362-0061; Magid92Moh@icloud.com
Def. Univ. of Texas Southwestern Medical Center	Mason Currah; Bar No. 2413305 P.O. Box 12548, Capitol Station, Austin, TX 78711 Office of the Attorney General; (512)475-4072

3. Jury Demand:

Was a Jury Demand made in State Court? ☒ Yes ☐ No

If "Yes," by which party and on what date?

Plaintiff Pro Se Magid Mohamed
Party

8/16/2023
Date

4. Answer:

Was an Answer made in State Court? ☒ Yes ☐ No

If "Yes," by which party and on what date?

Def. Univ. of Texas Southwestern Medical Center
Party

12/4/2023
Date

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate any changes from the style on the State Court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Plaintiff Pro Se	Discrimination and retaliation under: Title I of the Americans with Disabilities Act, 42 U.S.C. § 112101 et seq.; Family and Medical Leave Act, 29 U.S.C. § 2601 et seq.; and Chapter 21 of the Texas Commission on Human Rights Act, Tex. Lab. Code § 21.001 et seq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MAGID SALAH ELDIN MOHAMED,
Plaintiff,

v.

**THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL CENTER**
Defendant.

§
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§
§
§
§

CASE NO. xxxxxxxxxx

**DEFENDANT THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL
CENTER’S NOTICE OF REMOVAL**

Defendant The University of Texas Southwestern Medical Center (“UTSW”) files this Notice of Removal, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, to remove this action filed in the 298th Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division. In support of this removal, UTSW respectfully shows the following:

I. GROUNDS FOR REMOVAL

Plaintiff is a former student of UTSW. Plaintiff filed suit in the 298th Judicial District Court of Dallas County, Texas. Plaintiff has pled causes of action under Title I of the Americans with Disabilities Act, 42 U.S.C. § 112101 *et seq.*; the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*; and Chapter 21 of the Texas Commission on Human Rights Act, Tex. Lab. Code § 21.001 *et seq.* UTSW has filed an answer in state court, generally denying Plaintiff’s allegations.

Removal to this Court is proper because the Court has original jurisdiction over Plaintiff’s claims. *See* 28 U.S.C. § 1441(a). Specifically, this Court has federal question jurisdiction over

Plaintiff's federal claims under 28 U.S.C. § 1331, and this Court has supplemental jurisdiction over Plaintiff's state claims under 28 U.S.C. § 1367.

II. TIMELINESS OF REMOVAL

Plaintiff served UTSW with a copy of Plaintiff's Original Petition on November 9, 2023. *See* Ex. C. Pursuant to 28 U.S.C. § 1446(b)(1), UTSW timely files this Notice of Removal within thirty (30) days after service and receipt of Plaintiff's Original Petition.

III. CONSENT

UTSW is the only defendant in this suit. All defendants therefore join or consent to this action pursuant to 28 U.S.C § 1446(b)(2)(A).

IV. VENUE

Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace the place where the removed state court action has been pending. Specifically, the 298th Judicial District Court of Dallas County, Texas, is geographically located within the Dallas Division of the United States District Court for the Northern District of Texas.

V. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

A copy of all process, pleadings, and orders in the state court suit are attached to this Notice, pursuant to 28 U.S.C. § 1446(a). Those documents include the following and are summarized in

Exhibit A (Index of State Court Documents):¹

- Plaintiff's Original Petition, filed August 16, 2023 (attached as **Exhibit B**);
- Plaintiff's Request to Issue Citation and Service of Process by Constable, filed on August 31, 2023 (attached as **Exhibit C**);
- Plaintiff's First, Second, Third, and Fourth Notices of Diligence in Perfecting Service, filed on September 27, 2023, October 9, 2023, October 26, 2023, and November 13, 2023, respectively (attached as **Exhibit D**);

¹ No orders have been entered in the state court suit.

- Civil Citation Issued to UTSW, served on November 9, 2023 (attached as **Exhibit E**); and
- UTSW's Original Answer and Defenses, filed on December 4, 2023 (attached as **Exhibit F**).

For the Court's convenience and in compliance with Local Rule 81.1(a)(4)(B), a copy of the state court docket sheet is attached as **Exhibit G**.

UTSW will promptly file a notice of this removal with the clerk of the state court where the suit has been pending, pursuant to 28 U.S.C. § 1446(d). A copy of that notice is attached as **Exhibit H**.

A separately signed certificate of interested persons is attached in compliance with Local Rule 81.1(a)(4)(D) and 3.1(c) as **Exhibit I**.

UTSW will also file a separately signed certificate of interested persons that complies with Local Rule 3.1(c), pursuant to Local Rule 81.1(a)(4)(D).

In the event this Court subsequently identifies a defect in this Notice of Removal, UTSW respectfully requests this Court to grant leave to amend this Notice to cure the defect. *See, e.g., UICI v. Gray*, No. Civ. A. 3:01CV0921L, 2002 WL 356753, at *2 (N.D. Tex. Mar. 1, 2002) (holding that a defendant is permitted "to amend defective allegations of jurisdiction after the passage of the removal period"); *Acosta v. Drury Inns, Inc.*, 400 F. Supp. 2d 916, 922 (W.D. Tex. 2005) ("Defects in the form or content of the removal papers are usually not jurisdictional and may be cured by amendment after removal . . .").

By filing this Notice of Removal, UTSW does not waive any legal defenses or objections to Plaintiff's Original Petition, but expressly reserves its right to raise any and all legal defenses or objections in subsequent pleadings in this Court.

This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11, as required under 28 U.S.C. § 1446(a).

VI. CONCLUSION

Because UTSW has properly complied with the removal statutes set forth above, this case stands removed from the 298th Judicial District Court of Dallas County, Texas, to the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

KEN PAXTON

Attorney General

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

JAMES LLOYD

Deputy Attorney General Civil Litigation

KIMBERLY GDULA

Chief, General Litigation Division

/s/ Mason Currah

MASON CURRAH

Texas Bar No. 24133305

Assistant Attorney General

General Litigation Division

Office of the Attorney General

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

Phone: (512) 475-4072

Fax: (512) 320-0667

Mason.Currah@oag.texas.gov

LEAD ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that that December 8, 2023, this document was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record. A true and correct copy of the foregoing document has been sent via *U.S. certified mail, return receipt requested*, and first-class mail on December 8, 2023 to:

Magid S. Mohamed
4800 West Lovers Ln. #212
Dallas, TX 75209
PLAINTIFF PRO SE

/s/ Mason Currah
MASON CURRAH
Assistant Attorney General

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THE HEIDI GROUP, INC.,
Plaintiff,

v.

**THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL CENTER**
Defendants.

§
§
§
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§
§
§
§

CASE NO. xxxxxxxxxx

INDEX OF STATE COURT DOCUMENTS

The following documents comprise all process, pleadings, and orders in the state court suit:

1. Plaintiff's Original Petition, 08/16/2023
2. Plaintiff's Request to Issue Citation and Service of Process by Constable, 8/31/2023
3. Plaintiff's Notice of Diligence in Perfecting Service, 9/27/2023
4. Plaintiff's Second Notice of Diligence in Perfecting Service, 10/9/2023
5. Plaintiff's Third Notice of Diligence in Perfecting Service, 10/26/2023
6. Plaintiff's Fourth and Final Notice of Diligence in Perfecting Service, 11/13/2023
7. Executed Service of Citation to The University of Texas Southwestern Medical Center, 11/09/2023
8. Defendant The University of Texas Southwestern Medical Center's Original Answer and Defenses, 12/04/2023

EXHIBIT B

CASE No: DC-23-13235

	§	298th
MAGID SALAH ELDIN MOHAMED,	§	IN THE _____ DISTRICT COURT
Pro Se,	§	
Plaintiff,	§	
	§	
vs.	§	OF
	§	
	§	
THE UNIVERSITY OF TEXAS	§	
SOUTHWESTERN MEDICAL CENTER,	§	DALLAS COUNTY TEXAS
Defendant.	§	

August 16, 2023

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Plaintiff, **Magid S. Mohamed**, *Pro Se*, who complains of Defendant, The University of Texas Southwestern Medical Center, bringing this action for violating the laws of the State of Texas and the United States of America and alleges the following:

I. DISCOVERY CONTROL PLAN

1.1. Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4 and hereby requests that the Court enter a discovery control order under Rule 190.4.

II. PARTIES AND JURISDICTION

2.1. Plaintiff, **Magid S. Mohamed**, *Pro Se*, (hereafter, "Magid" "I", "me") is a Texas resident of Dallas County; Permanent Address 4800 West Lovers Lane # 212, Dallas, Texas, 75209.

2.2. Defendant, **The University of Texas Southwestern Medical Center** (hereafter "UTSWMC"), is a health science center and educational institution located in Dallas County, Texas. This institution is a part of the University of Texas system and is under the management

and control of the board of regents of the University of Texas system (Tex. Educ. Code §65.02 (a)(7)).

2.3. Defendant, UTSWMC may be served with process by serving its President, Daniel K. Podolsky at 5323 Harry Hines Boulevard, Dallas, Texas 75390.

2.4. Named Party, **Hesham Sadek** (hereafter, “Hesham Sadek” and “supervisor”) is an employee and faculty member of UTSWMC and was the Plaintiff’s supervisor overseeing his day-to-day operations.

2.5. Named Party, **Angelique Whitehurst** is an employee and faculty member of UTSWMC. She is also the Chair of the Cell and Molecular Biology graduate track. Her responsibilities include mediating academic student/faculty grievances, matters concerning a student’s academic progress, and rendering decisions related to the academic probation and dismissal appeal process.

2.6. Named Party, **Andrew Zinn**, is an employee and faculty member of UTSWMC. He is the Dean of UT Southwestern Graduate School of Biomedical Sciences and Director of the Medical Scientist Training Program. His responsibilities include advocating for the needs and requests of students in the MSTP, meeting annually with each student for a Training and Career Assessment, and rendering final decisions related to the academic probation and dismissal appeal process.

2.7. This Court has jurisdiction to hear the merits of Plaintiff’s claims under the Family Medical Leave Act (“FMLA”), 29 U.S.C. §§ 2601 et seq., Title I of the Americans with Disabilities Act, as amended (“ADA”), 42 U.S.C. §112101 et seq., and Chapter 21 of the Texas Labor Code, also known as the Texas Commission on Human Rights Act (“TCHRA”).

2.8. Venue is proper as to Plaintiff’s claims because the unlawful employment practices described herein were committed in the State of Texas. Furthermore, venue is proper as to Plaintiff’s claim, pursuant to 28 U.S.C. §1391(b), and Tex. Civ. Remedies and Practice Code §§ 15.002 15.092, and 15.093, as the events giving rise to Plaintiff’s claims occurred substantially in Dallas County, Texas.

III. CONDITIONS PRECEDENT

3.1. Plaintiff filed a complaint of discrimination and retaliation within 180 days of the last adverse event with Texas Workforce Commission (dual filed with the EEOC).

3.2. Plaintiff received a right to sue letter from the Texas Workforce Commission on August 15, 2023, and filed this case within sixty (60) days of receipt of the same.

3.3 Plaintiff has brought this private action no later than the second anniversary of the date the complaint with the TWC was filed.

3.4. As such, all conditions precedent been met for filing of this case.

IV. FACTS

A) Relevant Factual Background

4.1. Around August 1, 2014, I enrolled in the Medical Scientist Training program (MSTP) at UTSWMC. The MSTP is competitive and prestigious 8-year academic program for earning both an MD and a PhD (4 years of medical school and 4 to 5 years of graduate school). Under the MSTP, I am both an employee and a student.

4.2. In March of 2017, I was diagnosed with Bipolar II Disorder, a mood disorder and disability classified by the Americans with Disabilities Act (ADA). I took a non-paid medical leave from August 2017 to August of 2018 to seek treatment. I then returned to graduate school and resumed studies while concurrently visiting regularly with a psychiatrist for therapy and adjustment of medication.

4.3. On October 18, 2019, I joined the lab of Hesham Sadek. Shortly thereafter, I notified him of my disability and the need for reasonable accommodations. I also notified Andrew Zinn, and signed a medical release form, granting him access to my medical record.

4.4. Around December of 2019, I began to experience discriminatory behavior from my supervisor when I requested and expressed the need for accommodation of my work hours. My

requests were denied and I began to face punitive actions for requesting flexible work hours as an accommodation. My work hours were constrained to 9:00am to 5:00pm and I was required to email Hesham Sadek twice daily, upon arrival and departure, to ensure strict adherence to the imposed work hours. No other members of the research lab were subjected to the same treatment, and this practice is far outside of the norm for doctoral candidates in graduate school.

4.5. Due to the nature of my disability, I was unable to consistently adhere to those hours, despite several good faith attempts to comply. When I failed to adhere to those hours, I experienced increasingly discriminatory and punitive actions including non-constructive criticism and pejorative language about my work ethic and my character as a whole. These actions progressively increased and peaked to a point where I faced a complete restriction of essential functions related to my role as a graduate student. These restrictions included the ability to work outside of the imposed work hours, to work independently, and eventually denied the ability to work my doctoral thesis entirely.

4.6 On or around May of 2020, I was put on academic probation and faced dismissal after an incident of absenteeism, again related to failure to report to work after a denial of reasonable accommodation. Around late June of 2020, I successfully appealed the dismissal decision, and both Andrew Zinn and Angelique Whitehurst were informed of the lack of accommodation and the restriction/denial of the essential functions of my role as a graduate student. No corrective action was taken, despite knowing that based on the nature of my disability, a similar event would inevitably occur again if reasonable accommodation was not provided.

4.7. On December 27, 2020, I requested an accommodation via email from Hesham Sadek, my laboratory supervisor, to modify my work hours for the week, due to a flare up symptoms of my disability. He denied that request, despite being aware of my disability, the need for reasonable accommodation, and similar accommodation requests made in the past.

4.8. On December 28, 2020, Hesham Sadek reported me to Andrew Zinn, Dean of UTSWMC graduate school, for failure to report to work at 9:00am.

4.9. On January 6, 2021, I received an email from Andrew Zinn, informing me that Angelique Whitehurst, Chair of the Cell and Molecular Biology graduate track, made a recommendation for my dismissal from the program. I was not notified that Angelique Whitehurst was considering this decision before making her recommendation to Andrew Zinn. I did not meet with her, nor was I shown evidence or reasoning for said recommendation. I was informed that I could appeal my dismissal in writing by February 11, 2021.

4.10. Some time after submitting my appeal I was notified via email by Andrew Zinn that after considering and disagreeing with my appeal, I was dismissed from Medical Scientist Training Program. In my written appeal, I explained that I was consistently being denied reasonable accommodation, experienced discriminatory and retaliatory actions by my supervisor for requesting accommodations related to my disability, and faced systematic punitive actions by my supervisor to hinder my laboratory progress, including being denied the ability to work outside designated hours of 9am to 5pm, and denied the ability to work on my doctoral thesis project. Despite the grievous nature of these claims, Andrew Zinn denied or ignored multiple requests for an in-person or virtual meeting to hear my perspective before rendering his decision.

B) Relevant Factual Allegations

4.11. Although the discrimination and retaliation I faced was continuous and pervasive, the allegations below are provided as an example to support my causes of action.

4.12. On 10/08/2019, Andrew Zinn stated that my supervisor requested I take medical leave of absence, and if I do not do so voluntarily (without authorization from my psychiatrist), I would be dismissed/terminated from my position.

4.13. On 1/15/2020, upon returning from my forced medical leave, Hesham Sadek informed me that he decided that I can no longer work on my thesis project. My thesis committee was not involved in this decision and in no uncertain terms, my role was no longer that of a graduate student, but that of a laboratory technician, effectively demoting me and denying the benefits privileges of my position.

4.14. Around June of 2020, I was informed by Andrew Zinn and Angelique Whitehurst that in order for me to resume my position, I am no longer allowed to take a scheduled/requested medical leave.

4.15. On 08/31/2020, I requested a sick day due to flair up of symptoms related to my disability. Hesham Sadek responded stating **“sick days...are designed for when you really are sick”, “you are not sick”, “report to work today”**.

4.16. On 12/27/2020 I requested a temporary shift in my work hours for the week of 12/28/2020 in accommodation for declining mental health/mental illness symptoms. Hesham Sadek responded with: **“I do not agree...you’ve had enough breaks”**.

IV. CAUSES OF ACTION

COUNT I: ADA AND TCHRA DISABILITY DISCRIMINATION/RETALIATION

5.1. The preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

5.2. Defendant failed to accommodate Plaintiff’s disability by failing to provide a modification of work hours to address my disability symptoms protected by my ADA protected rights. At all times, I was qualified to perform my position. Defendant terminated Plaintiff after multiple requests for reasonable accommodation of my disability.

5.3. UTSWMC failed to engage in the interactive process with Plaintiff to determine if a reasonable accommodation was possible which would have allowed my to continue my work position.

5.4 UTSWMC engaged in a campaign to harass and discriminate against Plaintiff and when that did not work, they simply terminated me for my need for an ADA accommodation.

5.4. The effect of these unlawful practices has been to deprive Plaintiff of equal employment opportunities, and to otherwise adversely affect my employment status as an employee because of my disability.

5.5. The unlawful employment practices complained of above were intentional.

5.6. The unlawful employment practices described above were committed with malice or with reckless indifference for my federally protected rights.

5.7. Plaintiff suffered significant damages as a result of Defendant's actions, including non-pecuniary damages such as emotional pain, suffering, convenience, mental anguish, loss of enjoyment of life, and other non-pecuniary damages as a result of the unlawful employment practices described above, in amounts to be proven at trial.

COUNT II: FMLA DISCRIMINATION/RETALIATION

5.8. The preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

5.9. The FMLA specifically provides that it is unlawful for an employer to discharge or in any other manner discriminate against an employee for exercising the employee's right to take FMLA leave. 29 U.S.C. § 2615(a)(2).

5.10. Plaintiff is an employee within the meaning of the FMLA. Plaintiff was employed by Defendant for at least 12 months and worked at least 1,250 hours in the 12 months preceding the leave.

5.11. Defendant is an employer within the meaning of the FMLA. Defendant employed 50 or more employees for each working day of 20 or more calendar workweeks in the current or preceding calendar year.

5.12 During the course of his employment, Plaintiff was forced to take a FMLA protected leave, than subsequently told that any future FMLA leave was forbidden. Plaintiff's illness/disability constituted a "serious health condition" under the FMLA.

5.13. Defendant unlawfully retaliated against Plaintiff for seeking leave under the FMLA. Specifically, Defendant harassed and discriminated against Plaintiff, by making insensitive remarks about his character, work ethic and disability. He was demoted, isolated from his peers, and eventually terminated Plaintiff shortly after requesting a FMLA/ADA leave period.

5.14. As a direct and proximate result of Plaintiff's exercise of rights under the ADA and FMLA, harassment, discrimination, and subsequent termination, Plaintiff has suffered and continues to suffer damages, including, but not limited to, lost wages, both past and future, and the value of benefits and fringe benefits.

VI. ATTORNEYS' FEES/DAMAGES

6.1. The preceding paragraphs are hereby incorporated by reference as if fully set forth herein.

6.2. Plaintiff is entitled to recover attorneys' fees and costs if retained for bringing this action pursuant to the Family Medical Leave Act, 29 U.S.C. §2617(3), the ADA, and as allowed by the Texas Labor Code.

6.3. Plaintiff seeks a demand for judgment for other relief, such as declaratory relief and injunctive relief for reinstatement.

6.4. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief of between \$200,000.00 and \$1,000,000.00.

VII. REQUEST FOR DISCLOSURE

7.1. Pursuant to Rule 194, Defendants are hereby requested to disclose, Within 50 days of receipt of this request, the information or material described in Texas Rules of Civil Procedure 194(a) through (l).

VIII. JURY TRIAL DEMANDED

8.1 Plaintiff requests a jury trial on all questions of fact raised by its petition.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court award him judgment against Defendant, UTSWMC for the following:

- a. Actual and consequential damages;

- b. Compensatory and Non-compensatory damages;
- c. Front pay and back pay;
- d. Punitive damages;
- e. Attorneys' fees and expenses;
- f. Past and Future non-pecuniary damages including emotional pain, suffering, convenience, mental anguish, loss of enjoyment of life, and other non-pecuniary damages as a result of the unlawful employment practices described above, in amounts to be proven at trial;
- g. Costs of court; and
- h. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Magid S. Mohamed". The signature is stylized with a large, looped initial "M" and a cursive "S" and "M" for the last name.

Magid S. Mohamed, Pro Se
4800 West Lovers Lane Apt 212, Dallas, TX 75209
(718)-362-0061
Magid92Moh@icloud.com

Texas Workforce Commission

A Member of Texas Workforce Solutions

Bryan Daniel, Chairman
Commissioner Representing the Public

Aaron Demerson
Commissioner Representing Employers

Alberto Treviño, III
Commissioner Representing Labor

Edward Serna
Executive Director

Tue Aug 15 00:00:00 EDT 2023

Magid Mohamed
4800 West Lovers Lane Apt 212
Dallas, TX 75209
c/o

RE: **LETTER OF NOTICE OF RIGHT TO FILE CIVIL ACTION**

TWCCRD: 1A22377

EEOC: 31C-2022-00373

RE: Magid Mohamed v University of Texas Southwestern Medical Center

Dear Magid Mohamed:

Charging Party alleges that they have been subjected to Denial of Reasonable Accommodation and Discharge based on their Disability and Retaliation. This letter certifies you have submitted a request for a Notice of Right to File Civil Action to the Texas Workforce Commission Civil Rights Division. Upon issuance the TWCCRD will immediately close this case.

The Notice of Right to File Civil Action is on page 2 of this letter and will be sent to the parties electronically at the addresses on file.

NOTICE OF RIGHT TO FILE CIVIL ACTION

Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** The time limit for filing suit based on a federal claim may be different.

On behalf of the Division,

Venessa Hernandez for Bryan Snoddy

Bryan Snoddy
Division Director

8/15/2023

Date

cc:

Katherine Fearn
5323 Harry Hines Blvd.
Dallas, TX 75390

EXHIBIT C

DC-23-13235**1 CIT-PCT #5**

MAGID SALAH ELDIN MOHAMED,
Pro Se,
Plaintiff,

v.

THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL CENTER,
Defendant.

IN THE 298th DISTRICT COURT

OF

DALLAS COUNTY TEXAS

August 31, 2023

Request to Issue Citation and Service of Process by Constable

Dear Clerk,

This letter serves as a formal request to issue a citation for Defendant, University of Texas Southwestern Medical Center. The citation details are listed below.

THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER
REGISTERED AGENT DANIEL K. PODOLSKY
5323 HARRY HINES BOULEVARD
DALLAS, TEXAS 75390

In addition, I am requesting that my Original Complaint and the issued citation be served on the Defendant's register agent by constable. Thank you.

Warm Regards,



Magid S. Mohamed, Pro Se
(718)-362-0061

Magid92Moh@icloud.com

EXHIBIT D

DC-23-13235

MAGID SALAH ELDIN MOHAMED,	§	
Plaintiff,	§	IN THE 298 TH DISTRICT COURT
v.	§	
	§	OF
THE UNIVERSITY OF TEXAS	§	
SOUTHWESTERN MEDICAL CENTER,	§	
Defendant	§	DALLAS COUNTY TEXAS

September 27, 2023**Notice of Diligence in Perfecting Service****To the Honorable Judge Emily Tobolowsky and Defendant:**

This letter serves as a notice on the record of my diligence and attempts in perfecting service. The following is a timeline of my case and my attempts:

On August 16, 2023, I filed my original complaint. On August 20th, the original envelope was rejected due to formatting and attachment requirements, and then rejected again August 26, 2023 due to insufficient fees (although the affidavit of inability to pay was included in the filing). On August 28, 2023 I resubmitted the filing and it was accepted on August 30th.

On August 31st, I submitted a cover letter to the court clerk requesting issuance of a citation and service by constable. The citation was issued on September 8, 2023 and assigned to Constable Precinct 5. On September 11, 2023 I called Constable Precinct 5, spoke with a representative, and determined that Deputy E.A would fulfill service. When I was transferred to his extension, there was no response. On September 13th, I called again and left a voicemail, requesting a follow-up phone call. On September 22, 2023, I called and spoke with Deputy E.A and was informed that service would be perfected this week (September 25 – 29).

I will continue to keep a record of diligence in perfecting service and produce an additional letter if service is delayed.

Thank you for your time and consideration.

Warm Regards,

A handwritten signature in black ink, appearing to read "Magid S. Mohamed". The signature is fluid and cursive, with the first name "Magid" being more prominent.

Magid S. Mohamed, *pro se*

4800 West Lovers Lane Apt 212 Dallas, TX 75209

(718)-362-0061

Magid92Moh@icloud.com

DC-23-13235

MAGID SALAH ELDIN MOHAMED,	§	
Plaintiff,	§	IN THE 298 TH DISTRICT COURT
v.	§	
	§	OF
THE UNIVERSITY OF TEXAS	§	
SOUTHWESTERN MEDICAL CENTER,	§	
Defendant	§	DALLAS COUNTY, TEXAS

October 9, 2023

Second Notice of Diligence in Perfecting Service

To the Honorable Judge Emily Tobolowsky and Defendant:

This letter serves as a second notice on the record of my diligence and attempts in perfecting service. Please see the attached first letter for a complete timeline of this case. The following is a timeline of my attempts:

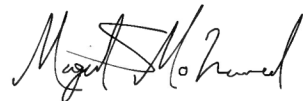
On September 22, 2023, I called Constable Precinct 5 (CP5) and spoke with Deputy E.A and was informed that service would be perfected between September 25th to 29th.

On October 3, 2023, I called CP5 and left a voicemail requesting a call back to follow up on service. On October 6th I called again and left a second voicemail. Finally, on October 9th I left a third voicemail requesting call back to follow up on service.

I will continue to keep a record of diligence in perfecting service and produce an additional letter if service is delayed.

Thank you for your time and consideration.

Warm Regards,



Magid S. Mohamed, *pro se*

4800 West Lovers Lane Apt 212 Dallas, TX 75209
(718)-362-0061
Magid92Moh@icloud.com

DC-23-13235

MAGID SALAH ELDIN MOHAMED,
Plaintiff,
v.

THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL CENTER,
Defendant

§
§
§
§
§
§
§

IN THE 298TH DISTRICT COURT

OF

DALLAS COUNTY, TEXAS

October 23, 2023

Third Notice of Diligence in Perfecting Service

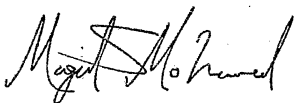
To the Honorable Judge Emily Tobolowsky and Defendant:

This letter serves as a third notice on the record of my diligence and attempts in perfecting service. Please see the first and second letters for a complete timeline of the case (including service). The following is a timeline of my attempts:

On October 9th I had left a third voicemail with the Deputy E.A requesting a call back to follow up on service. On October 13th I visited Constable Precinct 5 and spoke with a representative who assured me that she would follow up on my behalf and provide me with an update.

On October 16th I received a call back and voicemail from the representative informing me that attempts have been made/are in-progress and I should follow up the next week. On October 23rd I called to follow up and was informed that Defendant has been properly served (either on Thursday or Friday).

Warm Regards,



Magid S. Mohamed, *pro se*

4800 West Lovers Lane Apt 212 Dallas, TX 75209

(718)-362-0061

Magid92Moh@icloud.com

FILED
2023 OCT 23 PM 1:20
FELICIA J. STRE
DISTRICT CLERK
DALLAS COUNTY, TEXAS

FILED

DC-23-13235

MAGID SALAH ELDIN MOHAMED,	§	
Plaintiff,	§	IN THE 298 TH DISTRICT COURT
v.	§	
	§	OF
THE UNIVERSITY OF TEXAS	§	
SOUTHWESTERN MEDICAL CENTER,	§	
Defendant	§	DALLAS COUNTY, TEXAS

November 13, 2023**Fourth and Final Notice of Diligence in Perfecting Service****To the Honorable Judge Emily Tobolowsky and Defendant:**

This letter serves as the fourth and, hopefully, final notice on the record outlining my diligence and attempts in perfecting service. Please see the first, second, and third letters for a complete timeline of the case (all attached).

The following is a timeline of my most recent attempts:

On October 23rd, during a phone conversation with Constable Deputy E.A, I was told that Defendant had been properly served (“either on a Thursday or a Friday”). After several days, I checked the e-portal for a return of service confirmation and the status was still listed as unserved. I called the Court document productions department and was told to allow a few additional days for processing to reflect confirmation.

On October 30th, I called the document productions department again and I was told the return of service form was not on file. I called Constable Precinct 5 and spoke with representative who clarified that service was not complete, and was reassigned to a different Deputy and is currently “out-in-the-field”. No confirmation of a potential date was provided.

On November 3rd, I called the precinct asked to speak with the Sergeant, J. Davis, and I was assured that service would be complete by the following week. I was asked to call after a week to follow up.

On November 13th, I called and left a voicemail. Sergeant Davis later returned my call and confirmed that service was perfected on November 10, 2023 at 1:08pm.

Warm Regards,

A handwritten signature in black ink, appearing to read "Magid S. Mohamed". The signature is fluid and cursive, with the first name "Magid" being more prominent.

Magid S. Mohamed, *pro se*

4800 West Lovers Lane Apt 212 Dallas, TX 75209

(718)-362-0061

Magid92Moh@icloud.com

EXHIBIT E

FORM NO. 353-3—CITATION
THE STATE OF TEXAS

To: THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER
BY: SERVING-ITS-PRESIDENT DANIEL K PODOLSKY
5323 HARRY HINES BOULEVARD
DALLAS, TX 75390

0130
FELICIA PITRE
DISTRICT CLERK
DALLAS CO. TEXAS

0130
FELICIA PITRE
DISTRICT CLERK
DALLAS CO. TEXAS

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](https://www.texaslawhelp.org). Your answer should be addressed to the clerk of the District Court at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **MAGID SALAH ELDIN MOHAMED**

Filed in said Court 16th day of August, 2023 against

THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

For Suit, said suit being numbered DC-23-13235, the nature of which demand is as follows:
Suit on **EMPLOYMENT** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office on this the 8th day of September, 2023

ATTEST: FELICIA PITRE,
Clerk of the District Courts of Dallas County, Texas

By Brittany Foreman, Deputy
BRITTANY FOREMAN



CONSTABLE PRECINCT 5

23 SEP 1 0238

Affidavit of Inability to Pay

106
PCT#5
CITATION

No. DC-23-13235

MAGID SALAH ELDIN MOHAMED
vs.
THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL CENTER

ISSUED

on this the 8th day of September, 2023

FELICIA PITRE
Clerk District Courts,
Dallas County, Texas

By: **BRITTANY FOREMAN**, Deputy

Attorney for Plaintiff PRO SE
MAGID SALAH ELDIN MOHAMED
4800 WEST LOVERS LANE APT 212
DALLAS TX 75209
718-362-0061
MAGID92MOH@ICLOUD.COM

EXHIBIT F

CAUSE NO. DC-23-13235

MAGID SALAH ELDIN MOHAMED,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
THE UNIVERISTY OF TEXAS	§	
SOUTHWETERN MEDICAL CENTER,	§	
<i>Defendant.</i>	§	298TH JUDICIAL DISTRICT

**DEFENDANT THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER'S ORIGINAL
ANSWER AND DEFENSES**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant The University of Texas Southwestern Medical Center ("UTSW") files this Original Answer and Defenses to Plaintiff's Original Petition, and respectfully shows the Court as follows:

I. GENERAL DENIAL

Pursuant to Texas Rule of Civil Procedure 92, UTSW generally denies each and every allegation in Plaintiff's Original Petition and demands strict proof thereof.

II. DEFENSES

1. UTSW asserts the doctrine of sovereign immunity from suit to all causes of action brought against it, to the extent that it applies.
2. UTSW asserts the doctrine of sovereign immunity from liability to all causes of action brought against it, to the extent that it applies.
3. Plaintiff's claims are time-barred by the statute of limitations, to the extent that it applies.
4. Plaintiff's claims are barred by res judicata.
5. Plaintiff failed to exhaust his administrative remedies or meet all conditions precedent

and statutory prerequisites prior to filing this lawsuit, if applicable.

6. UTSW asserts the right to raise additional defenses that become apparent through the factual development of this case.

III. PRAYER FOR RELIEF

WHEREFORE, Defendant UTSW respectfully requests this Court to enter judgment for UTSW and against Plaintiff, to dismiss Plaintiff's claims with prejudice, to award UTSW its costs, and to grant UTSW such other and further relief, special or general, at law or in equity, to which it is justly entitled.

Respectfully submitted,

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General Civil Litigation

KIMBERLY GDULA
Chief, General Litigation Division

/s/ Mason Currah

MASON CURRAH
Texas Bar No. 24133305
Assistant Attorney General
General Litigation Division
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Phone: (512) 475-4072
Fax: (512) 320-0667

Mason.Currah@oag.texas.gov

LEAD ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that that December 4, 2023, this document was filed electronically via the Court's electronic filing system, causing electronic service upon all counsel of record. A true and correct copy of the foregoing document has been sent via *U.S. certified mail, return receipt requested*, and first-class mail on December 4, 2023 to:

Magid S. Mohamed
4800 West Lovers Ln. #212
Dallas, TX 75209
PLAINTIFF PRO SE

/s/ Mason Currah
MASON CURRAH
Assistant Attorney General

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Maxiana Gustin on behalf of Mason Currah
 Bar No. 24133305
 maxiana.gustin@oag.texas.gov
 Envelope ID: 82192660
 Filing Code Description: Original Answer - General Denial
 Filing Description:
 Status as of 12/4/2023 12:48 PM CST

Associated Case Party: MAGIDSALAH ELDINMOHAMED

Name	BarNumber	Email	TimestampSubmitted	Status
Magid SMohamed		magid92moh@icloud.com	12/4/2023 11:32:01 AM	SENT

Associated Case Party: THE UNIVERISTY OF TEXAS SOUTHWETERN MEDICAL CENTER

Name	BarNumber	Email	TimestampSubmitted	Status
Maxiana Gustin		maxiana.gustin@oag.texas.gov	12/4/2023 11:32:01 AM	SENT
Mason Currah		mason.currah@oag.texas.gov	12/4/2023 11:32:01 AM	SENT

Associated Case Party: TEXS WORKFORCE COMMISION

Name	BarNumber	Email	TimestampSubmitted	Status
Chris Van Vliet		Chris.VanVliet@oag.texas.gov	12/4/2023 11:32:01 AM	SENT
Les Trobman		Les.Trobman@twc.texas.gov	12/4/2023 11:32:01 AM	SENT

EXHIBIT G

Case Information

DC-23-13235 | MAGID SALAH ELDIN MOHAMED vs. THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

Case Number
DC-23-13235
File Date
08/22/2023

Court
298th District Court
Case Type
EMPLOYMENT

Judicial Officer
TOBOLOWSKY, EMILY
Case Status
OPEN

Party

PLAINTIFF
MOHAMED, MAGID SALAH ELDIN

Active Attorneys ▼
Pro Se

DEFENDANT
THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

Active Attorneys ▼
Lead Attorney
CURRAH, MASON RANDLE
Retained

Events and Hearings

08/16/2023 ORIGINAL PETITION ▼

ORIGINAL PETITION
08/16/2023 AFFIDAVIT INABILITY TO PAY
08/22/2023 NEW CASE FILED (OCA) - CIVIL
08/31/2023 REQUEST FOR SERVICE ▼ RQST LETTER
08/31/2023 ISSUE CITATION ▼ ISSUE CITATION-THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER
09/08/2023 CITATION ▼ Served 11/09/2023 Anticipated Server CONSTABLE 5 Anticipated Method Actual Server CONSTABLE 5 Returned 11/14/2023 Comment THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER
09/27/2023 CORRESPONDENCE - LETTER TO FILE ▼ RE: NOTICE OF DILIGENCE Comment RE: NOTICE OF DILIGENCE
10/09/2023 CORRESPONDENCE - LETTER TO FILE ▼ Comment 2ND NOTICE OF DILIGENCE IN PERFECTING SERVICE
10/26/2023 CORRESPONDENCE - LETTER TO FILE ▼ CORRESPONDENCE - LETTER TO FILE Comment 3RD NOTICE OF DILIGENCE IN PERFECTING SERVICE
11/13/2023 CORRESPONDENCE - LETTER TO FILE ▼

Comment

4TH AND FINAL NOTICE OF DILIGENCE IN SERVICE

11/15/2023 RETURN OF SERVICE ▼

EXECUTED CITATION - THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

Comment

EXECUTED CITATION - THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

12/04/2023 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER - GENERAL DENIAL

Financial

No financial information exists for this case.

Documents

ORIGINAL PETITION

RQST LETTER

ISSUE CITATION-THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

RE: NOTICE OF DILIGENCE

CORRESPONDENCE - LETTER TO FILE

EXECUTED CITATION - THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER

ORIGINAL ANSWER - GENERAL DENIAL

EXHIBIT H

CAUSE NO. DC-23-13235

MAGID SALAH ELDIN MOHAMED,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	DALLAS COUNTY, TEXAS
	§	
THE UNIVERISTY OF TEXAS	§	
SOUTHWETERN MEDICAL CENTER,	§	
<i>Defendant.</i>	§	298TH JUDICIAL DISTRICT

DEFENDANT THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER’S NOTICE OF FILING OF REMOVAL TO FEDERAL COURT

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant The University of Texas Southwestern Medical Center (“UTSW”) files this Notice of Filing of Removal to Federal Court, hereby giving notice to this Court and all other parties that on December 8, 2023, UTSW removed this case from this Court to the United States District Court for the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. A copy of the Notice of Removal filed in federal court is attached to this Notice. Pursuant to 28 U.S.C. § 1446(d), removal to federal court has been effected, and further proceedings in this Court are prohibited by statute “unless and until the case is remanded.” 28 U.S.C. § 1446(d).

Respectfully submitted,

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General Civil Litigation

KIMBERLY GDULA
Chief, General Litigation Division

/s/ Mason Currah

MASON CURRAH
Texas Bar No. 24133305
Assistant Attorney General
General Litigation Division
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Phone: (512) 475-4072
Fax: (512) 320-0667
Mason.Currah@oag.texas.gov
LEAD ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that that December 8, 2023, this document was filed electronically via the Court's electronic filing system, causing electronic service upon all counsel of record. A true and correct copy of the foregoing document has been sent via *U.S. certified mail, return receipt requested*, and first-class mail on December 8, 2023 to:

Magid S. Mohamed
4800 West Lovers Ln. #212
Dallas, TX 75209
PLAINTIFF PRO SE

/s/ Mason Currah

MASON CURRAH
Assistant Attorney General

EXHIBIT I

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MAGID SALAH ELDIN MOHAMED <i>Plaintiff,</i>	§ § § § § § § § §	CASE NO. xxxxxxxxxx
v.		
THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER <i>Defendants.</i>		

**DEFENDANT THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL
CENTER'S CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Local Rule 81.1(a)(4)(D) and 3.1(c), Defendant the University of Texas Southwestern Medical Center provide the following list of all persons, associations of persons, firms, partnerships corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

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Defendant: The University of Texas Southwestern Medical Center

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that that December 8, 2023, this document was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record. A true and correct copy of the foregoing document has been sent via *U.S. certified mail, return receipt requested*, and first-class mail on December 8, 2023 to:

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/s/ Mason Currah
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